

Calendar No. 256

110TH CONGRESS  
1ST SESSION**H. R. 902****[Report No. 110–122]**

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IN THE SENATE OF THE UNITED STATES

MARCH 20, 2007

Received; read twice and referred to the Committee on Energy and Natural  
Resources

JUNE 28, 2007

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**AN ACT**

To facilitate the use for irrigation and other purposes of  
water produced in connection with development of energy  
resources.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE, FINDINGS, AND PURPOSE.**

4 ~~(a) SHORT TITLE.—This Act may be cited as the~~  
5 ~~“More Water and More Energy Act of 2007”.~~

6 ~~(b) FINDINGS.—The Congress finds the following:~~

1           (1) Development of energy resources, including  
2       oil, natural gas, coalbed methane, and geothermal  
3       resources, frequently results in bringing to the sur-  
4       face water extracted from underground sources.

5           (2) Some of this produced water is used for ir-  
6       rigation or other purposes, but most of it is returned  
7       to the subsurface.

8           (3) Reducing the amount of produced water re-  
9       turned to the subsurface, and increasing the amount  
10      that is made available for irrigation and other  
11      uses—

12                (A) would augment water supplies;

13                (B) could reduce the costs to energy devel-  
14      opers for disposing of such water; and

15                (C) in some instances could increase the  
16      efficiency of energy development activities.

17           (4) It is in the national interest to remove or  
18      reduce obstacles to use of produced water for irriga-  
19      tion or other purposes in ways that will not ad-  
20      versely affect water quality or the environment.

21      (c) PURPOSE.—The purpose of this Act is to facili-  
22      tate the use of produced water for irrigation and other  
23      purposes without adversely affecting water quality or the  
24      environment, and to demonstrate ways to accomplish that  
25      result.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **PRODUCED WATER.**—The term “produced  
4 water” means water from an underground source,  
5 that is brought to the surface as part of the process  
6 of exploration for or development of oil, natural gas,  
7 coalbed methane, or any other substance to be used  
8 as an energy source.

9 (2) **SECRETARY.**—The term “the Secretary”  
10 means the Secretary of the Interior.

11 (3) **UPPER BASIN STATES.**—The term “Upper  
12 Basin States” means the States of Colorado, New  
13 Mexico, Utah, and Wyoming.

14 (4) **LOWER BASIN STATES.**—The term “Lower  
15 Basin States” means the States of Arizona, Cali-  
16 fornia, and Nevada.

17 **SEC. 3. IDENTIFICATION OF PROBLEMS AND SOLUTIONS.**

18 (a) **STUDY.**—The Secretary, acting through the Com-  
19 missioner of Reclamation and the Director of the United  
20 States Geological Survey, shall conduct a study to iden-  
21 tify—

22 (1) the technical, economic, environmental,  
23 legal, and other obstacles to increasing the extent to  
24 which produced water can be used for irrigation and  
25 other purposes without adversely affecting water  
26 quality or the environment; and

1           (2) the legislative, administrative, and other ac-  
 2           tions that could reduce or eliminate such obstacles.

3           (b) **REPORT.**—Not later than one year after the date  
 4 of the enactment of this Act, the Secretary shall report  
 5 to the Committee on Resources of the House of Represent-  
 6 atives and the Committee on Energy and Natural Re-  
 7 sources of the Senate regarding the results of the study  
 8 required by this section.

9   **SEC. 4. IMPLEMENTATION.**

10          (a) **GRANTS.**—Within existing authorities and subject  
 11 to the availability of funds appropriated for the purpose,  
 12 the Secretary shall provide financial assistance for the de-  
 13 velopment of facilities to demonstrate the feasibility, effec-  
 14 tiveness, and safety of processes to increase the extent to  
 15 which produced water may be recovered and made suitable  
 16 for use for irrigation, municipal or industrial uses, or  
 17 other purposes without adversely affecting water quality  
 18 or the environment.

19          (b) **LIMITATIONS.**—Assistance under this section—

20               (1) shall be provided for—

21                       (A) at least one project in one of the  
 22                       Upper Basin States other than New Mexico;

23                       (B) at least one project in either New Mex-  
 24                       ico or one of the Lower Basin States other than  
 25                       California;

1           (C) at least one project in California; and

2           (D) at least one project in Texas;

3           (2) shall not exceed \$1,000,000 for any project;

4           (3) shall be used to pay not more than 50 per-  
5       cent of the total cost of a project;

6           (4) shall not be used for operation or mainte-  
7       nance of any facility; and

8           (5) may be in addition to assistance provided by  
9       the United States pursuant to other provisions of  
10      law.

11 **SEC. 5. CONSULTATION, ADVICE, AND COMMENTS.**

12       In implementing this Act, including preparation of  
13       the report required by section 3 and the establishment of  
14       criteria to be used in connection with award of financial  
15       assistance pursuant to section 4, the Secretary shall—

16           (1) consult with the Secretary of Energy, the  
17       Administrator of the Environmental Protection  
18       Agency, and appropriate Governors and local offi-  
19       cials;

20           (2) review any relevant information developed  
21       in connection with research carried out by others, in-  
22       cluding research carried out pursuant to section 999  
23       of Public Law 109–58, and to the extent the Sec-  
24       retary considers advisable include such information  
25       in the report required by section 3;

1           ~~(3)~~ seek the advice of individuals with relevant  
 2           professional or academic expertise and of companies  
 3           or individuals with industrial experience, particularly  
 4           experience related to production of oil, natural gas,  
 5           or other energy resources, including geothermal re-  
 6           sources; and

7           ~~(4)~~ solicit comments and suggestions from the  
 8           public.

9   **SEC. 6. RELATION TO OTHER LAWS.**

10       Nothing in this Act shall be construed as super-  
 11       seding, modifying, abrogating, or limiting—

12           ~~(1)~~ the effect of any State law or any interstate  
 13           authority or compact with regard to any use of  
 14           water or the regulation of water quantity or quality;  
 15           or

16           ~~(2)~~ the applicability or effect of any Federal law  
 17           or regulation.

18   **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

19       There are authorized to be appropriated—

20           ~~(1)~~ \$1,000,000 to implement section 3; and

21           ~~(2)~~ \$5,000,000 to implement section 4.

22   **SECTION 1. SHORT TITLE, FINDINGS, AND PURPOSE.**

23       ~~(a)~~ *SHORT TITLE.*—*This Act may be cited as the*  
 24       ~~“More Water, More Energy, and Less Waste Act of 2007”.~~

25       ~~(b)~~ *FINDINGS.*—*The Congress finds that—*

1           (1) *development of energy resources, including*  
2           *oil, natural gas, coalbed methane, and geothermal re-*  
3           *sources, frequently results in bringing to the surface*  
4           *water extracted from underground sources;*

5           (2) *some of that produced water is used for irri-*  
6           *gation or other purposes, but most of the water is re-*  
7           *turned to the subsurface or otherwise disposed of as*  
8           *waste;*

9           (3) *reducing the quantity of produced water re-*  
10          *turned to the subsurface and increasing the quantity*  
11          *of produced water that is made available for irriga-*  
12          *tion and other uses—*

13                (A) *would augment water supplies;*

14                (B) *could reduce the costs to energy devel-*  
15                *opers for disposing of the water; and*

16                (C) *in some cases, could increase the effi-*  
17                *ciency of energy development activities; and*

18          (4) *it is in the national interest—*

19                (A) *to limit the quantity of produced water*  
20                *disposed of as waste;*

21                (B) *to optimize the production of energy re-*  
22                *sources; and*

23                (C) *to remove or reduce obstacles to use of*  
24                *produced water for irrigation or other purposes*

1           *in ways that will not adversely affect water*  
 2           *quality or the environment.*

3           (c) *PURPOSES.—The purposes of this Act are—*

4           (1) *to optimize the production of energy re-*  
 5           *sources—*

6           (A) *by minimizing the quantity of produced*  
 7           *water; and*

8           (B) *by facilitating the use of produced*  
 9           *water for irrigation and other purposes without*  
 10          *adversely affecting water quality or the environ-*  
 11          *ment; and*

12          (2) *to demonstrate means of accomplishing those*  
 13          *results.*

14   **SEC. 2. DEFINITIONS.**

15       *In this Act:*

16          (1) *LOWER BASIN STATE.—The term “Lower*  
 17          *Basin State” means any of the States of—*

18               (A) *Arizona;*

19               (B) *California; and*

20               (C) *Nevada.*

21          (2) *PRODUCED WATER.—The term “produced*  
 22          *water” means water from an underground source that*  
 23          *is brought to the surface as part of the process of ex-*  
 24          *ploration for, or development of—*

25               (A) *oil;*



1                   (B) *natural gas*;

2                   (C) *coalbed methane*; or

3                   (D) *any other substance to be used as an*  
4                   *energy source.*

5                   (3) *SECRETARY.*—*The term “Secretary” means*  
6                   *the Secretary of the Interior.*

7                   (4) *UPPER BASIN STATE.*—*The term “Upper*  
8                   *Basin State” means any of the States of—*

9                   (A) *Colorado*;

10                  (B) *New Mexico*;

11                  (C) *Utah*; and

12                  (D) *Wyoming.*

13   **SEC. 3. IDENTIFICATION OF PROBLEMS AND SOLUTIONS.**

14                  (a) *STUDY.*—*The Secretary shall conduct a study to*  
15                  *identify—*

16                   (1) *the technical, economic, environmental, and*  
17                   *other obstacles to reducing the quantity of produced*  
18                   *water;*

19                   (2) *the technical, economic, environmental, legal,*  
20                   *and other obstacles to increasing the extent to which*  
21                   *produced water can be used for irrigation and other*  
22                   *purposes without adversely affecting water quality or*  
23                   *the environment;*

1           (3) *the legislative, administrative, and other ac-*  
 2           *tions that could reduce or eliminate the obstacles*  
 3           *identified in paragraphs (1) and (2); and*

4           (4) *the costs and benefits associated with reduc-*  
 5           *ing or eliminating the obstacles identified in para-*  
 6           *graphs (1) and (2).*

7           (b) *REPORT.*—*Not later than 1 year after the date of*  
 8           *enactment of this Act, the Secretary shall submit to the*  
 9           *Committee on Natural Resources of the House of Represent-*  
 10          *atives and the Committee on Energy and Natural Resources*  
 11          *of the Senate a report describing the results of the study*  
 12          *under subsection (a).*

13       **SEC. 4. IMPLEMENTATION.**

14          (a) *GRANTS.*—*Subject to the availability of appropria-*  
 15          *tions, the Secretary shall provide financial assistance for*  
 16          *the development of facilities, technologies, and processes to*  
 17          *demonstrate the feasibility, effectiveness, and safety of—*

18               (1) *optimizing energy resource production by re-*  
 19               *ducing the quantity of produced water generated; or*

20               (2) *increasing the extent to which produced*  
 21               *water may be recovered and made suitable for use for*  
 22               *irrigation, municipal, or industrial uses, or other*  
 23               *purposes without adversely affecting water quality or*  
 24               *the environment.*

25          (b) *LIMITATIONS.*—*Assistance under this section—*

1           (1) *shall be provided for—*

2                   (A) *at least 1 project in each of the Upper*  
3           *Basin States; and*

4                   (B) *at least 1 project in at least 1 of the*  
5           *Lower Basin States;*

6           (2) *shall not exceed \$1,000,000 for any project;*

7           (3) *shall be used to pay not more than 50 per-*  
8           *cent of the total cost of a project;*

9           (4) *shall not be used for the operation or mainte-*  
10          *nance of any facility; and*

11           (5) *may be in addition to assistance provided by*  
12          *the Federal Government pursuant to other provisions*  
13          *of law.*

14   **SEC. 5. CONSULTATION, ADVICE, AND COMMENTS.**

15          *In carrying out this Act, including in preparing the*  
16          *report under section 3(b) and establishing criteria to be*  
17          *used in connection with an award of financial assistance*  
18          *under section 4, the Secretary shall—*

19                   (1) *consult with the Secretary of Energy, the Ad-*  
20                  *ministrator of the Environmental Protection Agency,*  
21                  *and appropriate Governors and local officials;*

22                   (2)(A) *review any relevant information devel-*  
23                  *oped in connection with research carried out by oth-*  
24                  *ers, including research carried out pursuant to sub-*

1 *title J of title IX of the Energy Policy Act of 2005*  
 2 *(42 U.S.C. 16371 et seq.); and*

3 *(B) to the extent the Secretary determines to be*  
 4 *advisable, include that information in the report*  
 5 *under section 3(b);*

6 *(3) seek the advice of—*

7 *(A) individuals with relevant professional*  
 8 *or academic expertise; and*

9 *(B) individuals or representatives of entities*  
 10 *with industrial experience, particularly experi-*  
 11 *ence relating to production of oil, natural gas,*  
 12 *coalbed methane, or other energy resources (in-*  
 13 *cluding geothermal resources); and*

14 *(4) solicit comments and suggestions from the*  
 15 *public.*

16 **SEC. 6. RELATION TO OTHER LAWS.**

17 *Nothing in this Act supersedes, modifies, abrogates, or*  
 18 *limits—*

19 *(1) the effect of any State law or any interstate*  
 20 *authority or compact relating to—*

21 *(A) any use of water; or*

22 *(B) the regulation of water quantity or*  
 23 *quality; or*

24 *(2) the applicability or effect of any Federal law*  
 25 *(including regulations).*

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated—*

3 *(1) \$1,000,000 to carry out section 3; and*

4 *(2) \$7,500,000 to carry out section 4.*

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110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 902**

[Report No. 110-122]

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## AN ACT

To facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources.

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JUNE 28, 2007

Reported with an amendment